

REGULAR CITY COUNCIL MEETING
JANUARY 22, 1990

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Rex T. Harris	Council Member

ABSENT

Wesley Bloomfield	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Gordon Shipley	I.P.A.
Richard Holm	Tumurru Trades, Inc.
Ms.	Insight Cablevision
Mr.	Insight Cablevision
Chuck Stewart	Millard County Sheriff's Office

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Regular City Council Meeting held January 8, 1990, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Gayle Bunker MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Gayle Bunker MOVED that the accounts payable be approved for payment as listed in the amount of \$36,196.50, excluding payment of \$52.10 to Southern Utah Office Supplies. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE - INSIGHT CABLE

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance regarding Insight Cablevision.

Attorney Waddingham said that he reviewed the proposed ordinance prepared by Insight Cablevision and requested Council's approval to prepare an ordinance making amendments to the ordinance and correcting the ordinance that Insight proposed before actual adoption.

Attorney Waddingham asked if the contract should be extended for a ten year period or for a shorter period of time.

Representatives from Insight Cablevision explained that Insight Cablevision has made Exchange Express available to the Delta schools. They also explained that Insight Cablevision is for sale and is in the bidding process and may be sold in the near future.

Attorney Waddingham recommended that, if the ownership of Cablevision is to be transferred, the necessary insurance policies should be in place and an amendment to the ordinance should be in place requiring that the purchaser comply with all the conditions of the original ordinance.

Mr. Waddingham also recommended that a clause be included in the contract that requires the new company to inspect the current system and submit written verification to Delta City stating that they approve of the system in an "as is" condition and that they will indemnify Delta City for any problems that come about once the transfer is completed.

Attorney Waddingham recommended that the Council conduct an investigation on the two companies that are interested in purchasing Insight Cablevision to determine their solvency.

Mayor Dafoe instructed Attorney Waddingham to prepare a resolution making amendments to the ordinance and correcting the proposed ordinance.

RICHARD HOLM, TUMURRU TRADES: WHITE SAGE APARTMENT COMPLEX PROPERTY

Mayor Dafoe welcomed Richard Holm, Tumurru Trades, Inc., and asked him to address the Council.

Mr. Holm said that at the present time there is a three-way agreement between Tumurru Trades, Inc., I.P.A. and Delta City. Mr. Holm proposed that I.P.A. deed to Delta City the White Sage Apartment property.

Mayor Dafoe said that Delta City and I.P.A. have an agreement regarding the White Sage Apartment property. However, Tumurru Trades, Inc. has an agreement with I.P.A., which requires that Tumurru Trades, Inc. post a performance bond to ensure compliance of the annexation agreement.

Attorney Waddingham said that it is his understanding that the original agreement between Tumurru Trades, Inc. and I.P.A. is that Tumurru Trades, Inc. would post a bond with I.P.A. and I.P.A. would enforce the bond.

Gordon Shipley, I.P.A., was in attendance and said that it was also his understanding that Tumurru would post a bond with I.P.A. However, a bond has not yet been posted.

Attorney Waddingham asked Mr. Holm if there was a reason why a bond has not been filed with I.P.A.

Mr. Holm said there was no particular reason.

Attorney Waddingham asked Mr. Holm if he was going to post a bond.

Mr. Holm said, "Yes, if I.P.A. is in a position to insist that we do it. But it would make the future operation and development of the property simpler if Tumurru could read whatever the City is going to require."

Attorney Waddingham said that Delta City's requirements are stated in the agreement between Delta City and I.P.A.

Mayor Dafoe spoke in opposition to Tumurru's proposal and spoke in favor of I.P.A. removing the existing foundations and cleaning up the property.

Attorney Waddingham said that from a legal stand point, Delta City is at no risk with the existing contract; however, if Delta City were to receive the property, they would assume the responsibility and liability of the property.

Council Member Gayle Bunker MOVED to leave the agreement between Delta City and I.P.A. in place and to leave Tumurru Trades, Inc.'s deadline of August 1, 1990, (awarded SCCM 10-16-89) in place to allow for development of the White Sage Apartment Property. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: PROCEDURE FOR ISSUANCE OF CITATIONS FOR ANIMAL CONTROL

Mayor Dafoe asked Attorney Richard Waddingham to explain the procedure for issuance of citations for animal control.

Attorney Waddingham said that the Code of Criminal Procedure states that any police officer or public official can issue a citation for a Class B Misdemeanor. He said that the Animal Control Officer is required to take the Oath of Office, which then gives him the authority to issue citations.

Discussion was held regarding the minutes of January 8, 1990, wherein Ned Teeple was appointed Animal Control Officer. It was the intent of the Council at that time to appoint Neil Forster as Animal Control Officer.

Following brief discussion, Council Member Gayle Bunker MOVED to appoint Neil Forster as Animal Control Officer with Alan Riding as Alternate Animal Control Officer, with the authority to designate the responsibility of picking up animals to Public Works Department employees. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: FINAL PAYMENT FOR AIRPORT PROJECT AIP 3-49-006-01

Mayor Dafoe asked Public Works Director Neil Forster to present a final payment request for Airport Project AIP 3-49-006-01.

Public Works Director Neil Forster recommended that final payment be issued to Sumsion & Sons in the amount of \$3,815.42 for completion of the Airport Project. Mr. Forster explained that during the course of construction, Sumsion & Sons damaged a portion of the lighting system at the airport; therefore, they owe Delta City \$474.50 for the cost of those repairs.

Following brief discussion, Council Member Gayle Bunker MOVED to authorize final payment to Sumsion & Sons in the amount of \$3,815.42 for the Airport Project, and Sumsion & Sons issue payment to Delta City in the amount of \$474.50 for damages to the airport lighting system. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any

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comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: APPOINTMENT OF LICENSING APPEALS BOARD MEMBER

Mayor Dafoe said that a Council Member needs to be appointed to the Licensing Appeals Board to replace Council Member David Church and recommended that Council Member Gayle Bunker be appointed.

Council Member Robert Dekker MOVED that Council Member Gayle Bunker be appointed to the Licensing Appeals Board. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY RECORDER DOROTHY JEFFERY: CONTRACTOR'S LICENSE REGISTRATION REQUIREMENTS

Mayor Dafoe asked City Recorder Dorothy Jeffery to discuss Contractor's License Registration Requirements.

Dorothy Jeffery said that Senate Bill No. 186, Section 58-55-6 states the following:

..."The license under this chapter and the business license issued by the local jurisdiction in which the licensee has its principal place of business shall be the only licenses required for the licensee to engage in a construction trade or as a contractor within the state. The state or any political subdivision of the state shall not require any additional licenses of a license to engage in any activity regulated under this chapter."

Mrs. Jeffery requested Council's permission to require all contractors working within Delta City to register with the City Office. She presented and explained a form that would be used to obtain the necessary information on each contractor.

Mayor Dafoe authorized Mrs. Jeffery to use the form on a six-month trial basis.

OTHER BUSINESS

Mayor Dafoe said that he has been asked if Delta City would like to obtain a caboose for display. He then asked the Council if they would be interested.

Council Members instructed Neil Forster to contact Darrell Willden, Union Pacific Railroad, to see what needs to be done to

acquire a caboose. He was also instructed to contact the Historical Society to see if they could house a caboose at the museum.


Mr. Forster was granted permission to use Delta City equipment to acquire and relocate a caboose.


Attorney Waddingham said that it has been brought to his attention that the Cellar Club is abusing their Consumption License. It has been reported to him that beer is being sold on the premises and that minors are being allowed on the premises.

Mr. Waddingham recommended that the ordinance regarding consumption licenses be either amended or repealed. No action was taken at this time.

Discussion was held regarding enforcement of a park curfew, parking and littering in business parking lots, and damage being done to businesses. Council Member Robert Dekker said he would investigate possibilities for a solution to the above problems.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 8:50 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 2-12-90